

(i) while such members are participating for the first time in a workfare program operated under this section; or

(ii) in the thirty-day period beginning on the date such first participation is terminated.

(3) The Secretary may suspend or cancel some or all of these payments, or may withdraw approval from a political subdivision to operate a workfare program, upon a finding that the subdivision has failed to comply with the workfare requirements.

(Pub. L. 88–525, § 20, as added Pub. L. 97–98, title XIII, § 1333, Dec. 22, 1981, 95 Stat. 1291; amended Pub. L. 97–253, title I, §§ 185–188, Sept. 8, 1982, 96 Stat. 786; Pub. L. 99–198, title XV, § 1517(d), Dec. 23, 1985, 99 Stat. 1577; Pub. L. 102–237, title IX, § 941(10), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 104–193, title I, § 109(e), title VIII, § 815(b)(2), Aug. 22, 1996, 110 Stat. 2170, 2317.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (a)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Social Security Act, referred to in subsec. (b)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title IV of the Act is classified generally to subchapter IV (§ 601 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

1996—Subsec. (a)(2)(B). Pub. L. 104–193, § 109(e)(1), substituted “operating any” for “operating—

“(i) a workfare program pursuant to title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(ii) any other”.

Subsec. (b). Pub. L. 104–193, § 109(e)(2), struck out “(1)” before “A household member shall be exempt”, redesignated subpars. (A) to (F) as pars. (1) to (6), respectively, in par. (2), substituted “a work activity” for “a work training program”, and struck out former par. (2) which read as follows:

“(2)(A) Subject to subparagraphs (B) and (C), in the case of a household that is exempt from work requirements imposed under this chapter as the result of participation in a community work experience program established under section 409 of the Social Security Act (42 U.S.C. 609), the maximum number of hours in a month for which all members of such household may be required to participate in such program shall equal the result obtained by dividing—

“(i) the amount of assistance paid to such household for such month under title IV of such Act, together with the value of the food stamp allotment of such household for such month; by

“(ii) the higher of the Federal or State minimum wage in effect for such month.

“(B) In no event may any such member be required to participate in such program more than 120 hours per month.

“(C) For the purpose of subparagraph (A)(i), the value of the food stamp allotment of a household for a month shall be determined in accordance with regulations governing the issuance of an allotment to a household that contains more members than the number of members in an assistance unit established under title IV of such Act.”

Subsec. (f). Pub. L. 104–193, § 815(b)(2), added subsec. (f) and struck out former subsec. (f) which read as follows: “In the event that any person fails to comply with the requirements of this section, neither that person nor the household to which that person belongs shall be eli-

gible to participate in the food stamp program for two months, unless that person or another person in the household satisfies all outstanding workfare obligations prior to the end of the two-month disqualification period.”

1991—Subsec. (g)(2). Pub. L. 102–237 realigned the margins of subpars. (A) and (B) and cls. (i) and (ii) of subpar. (B).

1985—Subsec. (b). Pub. L. 99–198 in amending subsec. (b) generally, designated existing provisions of subsec. (b) as par. (1), reorganized and expanded provisions of par. (1) as thus designated, lowered minimum age for exempted household members from eighteen years to sixteen years, and added par. (2).

1982—Subsec. (a). Pub. L. 97–253, § 185, redesignated existing provisions, formerly undesignated, as par. (1), and added par. (2).

Subsec. (b)(4). Pub. L. 97–253, § 186, substituted “at the option of the operating agency, subject to and currently actively and satisfactorily participating” for “subject to and currently involved”.

Subsec. (c). Pub. L. 97–253, § 187, substituted “, when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week” for “either exceeds twenty hours a week or would, together with any other hours worked in any other compensated capacity by such member on a regular or predictable part-time basis, exceed thirty hours a week”.

Subsec. (g)(2), (3). Pub. L. 97–253, § 188, added par. (2) and redesignated former par. (2) as (3).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 109(e) of Pub. L. 104–193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104–193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–237 effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102–237, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by sections 185 to 187 of Pub. L. 97–253 effective Sept. 8, 1982, see section 193(a) of Pub. L. 97–253, set out as a note under section 2012 of this title.

Amendment by section 188 of Pub. L. 97–253 effective Oct. 1, 1982, see section 193(b) of Pub. L. 97–253, set out as a note under section 2012 of this title.

EFFECTIVE DATE

Section effective on earlier of Sept. 8, 1982, or date effective pursuant to section 1338 of Pub. L. 97–98, set out as an Effective Date of 1981 Amendment note under section 2012 of this title, which made the section effective on such date as Secretary of Agriculture may prescribe, taking into account need for orderly implementation, see section 192(b) of Pub. L. 97–253 set out as an Effective Date of 1982 Amendment note under section 2012 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2015, 2025, 2026 of this title.

§ 2030. Washington Family Independence Demonstration Project

(a) In general

Upon written application of the State of Washington (in this section referred to as the

“State”) and after the approval of such application by the Secretary, the State may conduct a Family Independence Demonstration Project (in this section referred to as the “Project”) in all or in part of the State in accordance with this section to determine whether the Project, as an alternative to providing benefits under the food stamp program, would more effectively break the cycle of poverty and would provide families with opportunities for economic independence and strengthened family functioning.

(b) Nature of Project

In an application submitted under subsection (a) of this section, the State shall provide the following:

(1) Except as provided in this section, the provisions of chapter 434 of the 1987 Washington Laws, as enacted in May 1987, shall apply to the operation of the Project.

(2) All of the following terms and conditions shall be in effect under the Project:

(A)(i) Except as provided in clause (ii), individuals with respect to whom benefits may be paid under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], and such other individuals as are included in the Project pursuant to chapter 434 of the 1987 Washington Laws, as enacted in May 1987, shall be eligible to participate in the Project in lieu of receiving benefits under the food stamp program and cash assistance under any other Federal program covered by the Project.

(ii) Individuals who receive only child care or medical benefits under the Project shall not be eligible to receive food assistance under the Project. Such individuals may receive coupons under the food stamp program if eligible.

(B) Individuals who participate in the Project shall receive for each month an amount of cash assistance that is not less than the total value of the assistance such individuals would otherwise receive, in the aggregate, under the food stamp program and any cash-assistance Federal program covered by the Project for such month, including income and resource exclusions and deductions, and benefit levels.

(C)(i) The State may provide a standard benefit for food assistance under the Project, except that individuals who participate in the Project shall receive as food assistance for a month an amount of cash that is not less than the value of the assistance such individuals would otherwise receive under the food stamp program.

(ii) The State may provide a cash benefit for food assistance equal to the value of the thrifty food plan.

(D) Each month participants in the Project shall be notified by the State of the amount of Project assistance that is provided as food assistance for such month.

(E) The State shall have a program to require participants to engage in employment and training activities carried out under chapter 434 of the 1987 Washington Laws, as enacted in May 1987.

(F) Food assistance shall be provided under the Project—

(i) to any individual who is accepted for participation in the Project, not later than 30 days after such individual applies to participate in the Project;

(ii) to any participant for the period that begins on the date such participant applies to participate in the Project, except that the amount of such assistance shall be reduced to reflect the pro rata value of any coupons received under the food stamp program for such period for the benefit of such participant; and

(iii) until—

(I) the participant’s cash assistance under the Project is terminated;

(II) such participant is informed of such termination and is advised of the eligibility requirements for participation in the food stamp program;

(III) the State determines whether such participant will be eligible to receive coupons as a member of a household under the food stamp program; and

(IV) coupons under the food stamp program are received by such participant if such participant will be eligible to receive coupons as a member of a household under the food stamp program.

(G)(i) Paragraphs (1)(B), (8), (10), and (19)¹ of section 2020(e) of this title shall apply with respect to the participants in the Project in the same manner as such paragraphs apply with respect to participants in the food stamp program.

(ii) Each individual who contacts the State in person during office hours to make what may reasonably be interpreted as an oral or written request to participate in the Project shall receive and shall be permitted to file on the same day that such contact is first made, an application form to participate in the Project.

(iii) The Project shall provide for telephone contact by, mail delivery of forms to and mail return of forms by, and subsequent home or telephone interview with, the elderly persons, physically or mentally handicapped, and persons otherwise unable, solely because of transportation difficulties and similar hardships, to appear in person.

(iv) An individual who applies to participate in the Project may be represented by another person in the review process if the other person has been clearly designated as the representative of such individual for that purpose, by such individual or the spouse of such individual, and, in the case of the review process, the representative is an adult who is sufficiently aware of relevant circumstances, except that the State may—

(I) restrict the number of individuals who may be represented by such person; and

(II) otherwise establish criteria and verification standards for representation under this clause.

(v) The State shall provide a method for reviewing applications to participate in the

¹ See References in Text note below.

Project submitted by, and distributing food assistance under the Project to, individuals who do not reside in permanent dwellings or who have no fixed mailing address. In carrying out the preceding sentence, the State shall take such steps as are necessary to ensure that participation in the Project is limited to eligible individuals.

(3) An assurance that the State will allow any individual to apply to participate in the food stamp program without applying to participate in the Project.

(4) An assurance that the cost of food assistance provided under the Project will not be such that the aggregate amount of payments made under this section by the Secretary to the State over the period of the Project will exceed the sum of—

(A) the anticipated aggregate value of the coupons that would have been distributed under the food stamp program if the individuals who participate in the Project had participated instead in the food stamp program; and

(B) the portion of the administrative costs for which the State would have received reimbursement under—

(i) subsections (a) and (g) of section 2025 of this title (without regard to the first proviso to such subsection (g)) if the individuals who participated in the Project had participated instead in the food stamp program; and

(ii) section 2025(h) of this title if the individuals who participated in the Project had participated in an employment and training program under section 2015(d)(4) of this title;

except that this paragraph shall not be construed to prevent the State from claiming payments for additional households that would qualify for benefits under the food stamp program in the absence of a cash out of such benefits as a result of changes in economic, demographic, and other conditions in the State or a subsequent change in the benefit levels approved by the State legislature.

(5) An assurance that the State will continue to carry out the food stamp program while the State carries out the Project.

(6) If there is a change in existing State law that would eliminate guaranteed benefits or reduce the rights of applicants or participants under this section during, or as a result of participation in, the Project, the Project shall be terminated.

(7) An assurance that the Project shall include procedures and due process guarantees no less beneficial than those which are available under Federal law and under State law to participants in the food stamp program.

(8)(A) An assurance that, except as provided in subparagraph (B), the State will carry out the Project during a 5-year period beginning on the date the first individual is approved for participation in the Project.

(B) The Project may be terminated 180 days after—

(i) the State gives notice to the Secretary that it intends to terminate the Project; or

(ii) the Secretary, after notice and an opportunity for a hearing, determines that the State materially failed to comply with this section.

(c) Funding

If an application submitted under subsection (a) of this section by the State complies with the requirements specified in subsection (b) of this section, then the Secretary shall—

(1) approve such application; and

(2) from funds appropriated under this chapter, pay the State for—

(A) the actual cost of the food assistance provided under the Project; and

(B) the percentage of the administrative costs incurred by the State to provide food assistance under the Project that is equal to the percentage of the State's aggregate administrative costs incurred in operating the food stamp program in the most recent fiscal year for which data are available, that was paid under subsections (a), (g), and (h) of section 2025 of this title.

(d) Project application

(1) Unless and until an application to participate in the Project is approved, and food assistance under the Project is made available to the applicant—

(A) such application shall also be treated as an application to participate in the food stamp program; and

(B) section 2020(e)(9) of this title shall apply with respect to such application.

(2) Coupons provided under the food stamp program with respect to an individual who—

(A) is participating in such program; and

(B) applies to participate in the Project;

may not be reduced or terminated because such individual applies to participate in the Project.

(3) For households eligible to participate in the food stamp program that contain some members who participate in the Project and other members who do not participate in the Project, those members who do not participate in the Project shall receive a separate benefit in food coupons under the food stamp program that is not less than the amount of food stamp benefits that such members would have received were the Project not implemented.

(e) Waiver

The Secretary shall (with respect to the Project) waive compliance with any requirement contained in this chapter (other than this section) that (if applied) would prevent the State from carrying out the Project or effectively achieving its purpose.

(f) Construction

For purposes of any other Federal, State or local law—

(1) cash assistance provided under the Project that represents food assistance shall be treated in the same manner as coupons provided under the food stamp program are treated; and

(2) participants in the program who receive food assistance under the Project shall be treated in the same manner as recipients of

coupons under the food stamp program are treated.

(g) Project audits

The Comptroller General of the United States may—

(1) conduct periodic audits of the operation of the Project to verify the amounts payable to the State from time to time under subsection (b)(4) of this section; and

(2) submit to the Secretary of Agriculture, the Secretary of Health and Human Services, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of each such audit.

(h) Evaluation

With funds appropriated under section 2027(a)(1) of this title, the Secretary shall conduct, in consultation with the Secretary of Health and Human Services, an evaluation of the Project.

(Pub. L. 88-525, §21, as added Pub. L. 100-203, title I, §1509, Dec. 22, 1987, 101 Stat. 1330-29; amended Pub. L. 100-481, §1, Oct. 11, 1988, 102 Stat. 2336; Pub. L. 104-316, title I, §104(a), Oct. 19, 1996, 110 Stat. 3829.)

REFERENCES IN TEXT

Paragraph (19) of section 2020(e) of this title, referred to in subsec. (b)(2)(G)(i), was redesignated paragraph (18) of section 2020(e) of this title by Pub. L. 104-193, title VIII, §835(1)(D)(i), Aug. 22, 1996, 110 Stat. 2330.

The Social Security Act, referred to in subsec. (b)(2)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Social Security Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

1996—Subsec. (g). Pub. L. 104-316 substituted “may” for “shall” in introductory provisions.

1988—Subsec. (d)(3). Pub. L. 100-481 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “For purposes of the food stamp program, individuals who participate in the Project shall not be considered to be members of a household during the period of such participation.”

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2 of Pub. L. 100-481 provided that: “The amendment made by this Act [amending this section] shall become effective on July 1, 1988.”

§ 2031. Food stamp portion of Minnesota Family Investment Plan

(a) In general

(1) Subject to paragraph (2), upon written application of the State of Minnesota that complies with this section and sections 6 to 11, 13, 130, and 132 of article 5 of 282 of the 1989 Laws of Minnesota, and after approval of such application by the Secretary in accordance with subsections (b) and (d) of this section, the State may implement a family investment demonstration project (hereinafter in this section referred to as the “Project”) in parts of the State to determine whether the Project more effectively helps families to become self-supporting and en-

hances their ability to care for their children than do the food stamp program and programs under parts A and F¹ of title IV of the Social Security Act [42 U.S.C. 601 et seq.]. The State may provide cash payments under the Project, subject to paragraph (2), that replace assistance otherwise available under the food stamp program and under part A of title IV of the Social Security Act.

(2) The Project may be implemented only in accordance with this section and only if the Secretary of Health and Human Services approves an application submitted by the State permitting the State to include in the Project families who are eligible to receive benefits under part A of title IV of the Social Security Act.

(b) Required terms and conditions of Project

The application submitted by the State under subsection (a) of this section shall provide an assurance that the Project shall satisfy all of the following requirements:

(1) Only families may be eligible to receive assistance and services through the Project.

(2) Participating families, families eligible for or participating in the program authorized under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.] or the food stamp program that are assigned to and found eligible for the Project, and families required to submit an application for the Project that are found eligible for the Project shall be ineligible to receive benefits under the food stamp program.

(3)(A) Subject to the provisions of this paragraph and any reduction imposed under subsection (c)(3) of this section, the value of assistance provided to participating families shall not be less than the aggregate value of the assistance such families could receive under the food stamp program and part A of title IV of the Social Security Act if such families did not participate in the Project.

(B) For purposes of satisfying the requirement specified in subparagraph (A)—

(i) payments for child care expenses under the Project shall be considered part of the value of assistance provided to participating families with earnings;

(ii) payments for child care expenses for families without earnings shall not be considered part of the value of assistance provided to participating families or the aggregate value of assistance that such families could have received under the food stamp program and part A of title IV of the Social Security Act; and

(iii) any child support payments not assigned to the State under the provisions of part A of title IV of the Social Security Act, less \$50 per month, shall be considered part of the aggregate value of assistance participating families would receive if such families did not participate in the Project;

(C) For purposes of satisfying the requirement specified in subparagraph (A), the State shall—

(i) identify the sets of characteristics indicative of families that might receive less assistance under the Project;

¹ See References in Text note below.